

January 20, 2025

sent via email ijohnson@acluofnc.org
American Civil Liberties Union Foundation
Ms. Ivy Johnson
P.O. Box 28004
Raleigh, NC 27611

Ms. Johnson,

Thank you for allowing us the extra time to look into the incident regarding the Activism Club at Shelby High School.

Cleveland County Schools understands that parameters placed on materials used within a student-led organization are different from the parameters placed on materials used during the instructional day. The Activism Club at Shelby High School meets during the instructional day within a “flex period”. Admittedly, the Activism Club is a student organization, but, because the meeting occurs within the instructional day, additional administrative oversight occurs and is necessary to ensure the educational environment is not disrupted.

Additionally, there is no blanket protection for sharing the work of an outside group just because it is done within a student organization¹. It is appropriate for the faculty advisor, principal, and superintendent to have a say in what meets educational standards for the school and district, especially during the instructional day.

The Cleveland County Board of Education affirms the principle that every student should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of any characteristic protected by federal or state law, will be excluded from participating in the programs and services of the school system or otherwise be subjected to discrimination under any educational program or activity conducted by the school system. The Activism Club is a function of the school day and

¹ The Film club would be restricted from showing an R-rated movie on campus regardless of when the club was meeting. PG-13 films would require parent permission. Under Policy 5210, such restriction on a display of non-school materials would be appropriate.

includes both teacher-led and student-led activities in the classroom. Cleveland County Board Policies 3200 ‘Selection of Instructional Materials’ and 5210 ‘Distribution and Display of Non-School Materials’ were used as a basis for the decision to not permit the Jeopardy game.

In accordance with Policy 5210 (Distribution and Display of Non-School Materials), the Cleveland County Board of Education (the “Board”) believes that students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material will be limited in accordance with policy. The instructional day at Shelby High School is 8am to 3pm. School officials shall screen and approve the distribution or display of non-school material on school property

This policy applies to the distribution and display of non-school material by students and school-related groups. It is important to keep in mind that the game was not student-created. The game was produced by an outside organization. It is also important to note that students of various ages and academic levels participate in the Activism Club.

Students wishing to distribute or display on campus any publication, leaflet, or other written material that is not school-sponsored must submit the publication or material to the principal for review prior to distribution. The principal shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in Section C of Policy 5210, but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the student may request review of the principal’s decision as specified in Section D of Policy 5210.

In this instance, it was determined that the suggested game was indecent based on community standards, inappropriate for display considering the age of students, and encouraged the violation of school regulations. Specifically, the game includes questions about an individual “expressing her bisexuality” and quoting song lyrics such as “long nights, daydreams sugar and smoke rights, I’ve been a fool but strawberries and cigarettes”.

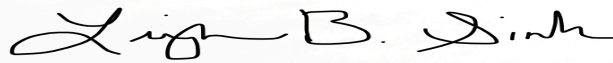
The decision to not permit the game was appropriately made in accordance with our policies and standards. We stand behind our decision and maintain that it was made in a content-neutral manner.

Cleveland County Schools desires to have good communication with our students, staff, and parents. If the ACLU or Mr. Kratzer has any additional information to share or would like to set up a time to discuss a mutually agreeable resolution, we welcome that conversation.

Please feel free to contact me if you have any questions or would like to discuss further. You can reach me via email at lsink@clevelandcountyschools.org or by phone at 704.458.9374.

Thank you in advance for your time and attention to this matter.

Sincerely,



Leigha B. Sink
Attorney for Cleveland County Board of Education